

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/22/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In Re: Pima County Irrigation
Contested Case No. W1-11-2694

FILED: 04/04/2018

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

11:26 a.m. This is the time set for a status conference before Special Water Susan Ward Harris regarding *Pima County's Proposal on Objections* and *Arizona State Land Departments Report Regarding Ownership of Land Identified in WFR No. 113-09-020*

The following attorneys and parties appear in-person: Michael Foy and Mark McGinnis on behalf of Salt River Project.

The following attorneys and parties appear telephonically: Michael McNulty and Michael LeBlanc on behalf of Pima County (County); Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apace Tribe; Kimberly Parks on behalf of AZ Department of Water Resources (ADWR); Carrie Brennan on behalf of AZ State Land Department; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation.

Court reporter, Celeste Paxton Jones, is present and a record of these proceedings is made digitally.

The Court notes that this case involves five watershed file reports (WFRs): 111-19-001, 113-09-020, 113-11-003, 113-12-001, and 113-12-BD-002. It appears that claims for *de minimis* uses for stockponds are listed in three WFRs: WFRs 111-19-001, 113-11-003, and 113-12-001.

The County requests the dismissal of Statements of Claimant (SOC) 39-15960 and 39-78564 because they are duplicative of 39-5395 and 39-1726, respectively.

IT IS ORDERED dismissing SOC 39-15960 and 39-78564.

The Court also notes that WFR 113-12-001 includes wells used for domestic use that the County claims are outside the subflow zone and three stockpond uses. The County is asserting a claim to PWR113-12-001-SW002 but not to PWR113-12-001-SW001 and PWR113-12-001-SW003 because it does not own the land. Mr. LeBlanc believes that the Arizona State Land Department (ASLD) owns the land described as the places of use for PWR113-12-001-SW001 and PWR113-12-001-SW003.

IT IS FURTHER ORDERED directing ASLD to prepare a report regarding land ownership in WFR 113-12-001 and specifically the ownership of the land listed as the places of use for PWRs 113-12-001-SW001 and 113-12-001-SW003.

Discussion is held concerning the ASLD's report concerning the ownership of land identified in WFR 113-09-020.

Further discussion is held concerning the incorrect legal description for the point of diversion in WFR 113-09-020. Based on the legal description of the water use provided in SOC 39-2771, that SOC is thought to be included in the wrong WFR.

IT IS FURTHER ORDERED removing WFR 113-09-020 from this case. SOC 39-2771 will be analyzed in the amended WFR 113-12-BD-002.

Discussion is held whether Pima County owns all the land with water rights as claimed or are the subject of PWRs in WFR 113-12-BD-002. The court inquires if the County has filed all of the amended SOC's it intends to file.

IT IS FURTHER ORDERED directing Pima County to file a report by April 2, 2018, regarding the status of their amended SOC's.

IT IS FURTHER ORDERED directing ADWR to amend WFR 113-12-BD-002 by April 23, 2018. Amended objections are to be submitted by May 21, 2018.

Mr. Foy states that the domestic wells listed in WFRs 111-19-001, 113-11-003, and 113-12-001 that constitute *de minimis* claims should remain within the adjudication because the cones of depression of the wells may impact the subflow zone.

IT IS FURTHER ORDERED that by April 23, 2018, Pima County shall submit documentation to support its position that the wells for which it asserts water rights and listed in WFRs 111-19-001, 113-11-003, and 113-12-001 are located outside the subflow zone.

11:39 a.m. Matter concludes.

LATER:

The Arizona State Land Department shall file a report concerning the ownership of the land listed as the places of use for PWRs 113-12-001-SW001 and 113-12-001-SW003 by April 23, 2018.

A status conference shall be held on June 6, 2018 at 11:30 a.m. in the Maricopa County Superior Court, Courtroom 301, Central Court Building, 201 West Jefferson, Phoenix, Arizona 85003.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2694.